

REMARKS

Claims 1-3 are pending in the application. Claims 1-3 are rejected. Claims 1 and 2 are herein canceled. Claim 3 is here in amended. Attached hereto is a marked-up version of the changes made by the current amendment. The attached page is captioned "Version with markings to show changes made."

Specification

The abstract of the disclosure is objected to because it is lengthy. Applicants herein shorten the abstract. Although the abstract as shortened is longer than 150 words, Applicants respectfully submit that it is as short as descriptively possible.

Claim Rejections under 35 U.S.C. § 112

Claim 1 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention.

In claim 1, the recitation of the phrase "on an average" with respect to the value of variable m is indefinite.

Applicants herein strike the term "on the average" from the claims.

Claim Rejections under 35 U.S.C. §102

Claims 1 and 3 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,472,686 to Tsubaki et al.

Applicants respectfully disagree with the rejection, because not all of the elements of the claimed invention are present in the cited reference. Applicants herein cancel claims 1 and 2, and amend claim 3.

Applicants note that Tsubaki et al. discloses a skin cosmetic composition comprising a polysiloxane-polyoxyalkylene block copolymer represented by $(Y[R_2SiO]_aR_2Si\underline{YO})[(C_nH_{2n}O)_b]_c$. (Emphasis added.)

The Examiner states that this compound includes additive (I) of the present invention in which at least two of R is a group shown by the formula $YO(C_2H_4O)_n(C_3H_6O)_bR^3$.

However, Applicants submit that the underlined Y group is present in the main chain of the polysiloxane-polyoxyalkylene block copolymer used in Tsubaki et al. and sandwiched between a polysiloxane block $[R_2SiO]_aR_2Si$ and a polyoxyalkylene block $(C_{11}H_{2n}O)$.

On the other hand, Applicants note that in additive (I) used in the present invention, each R group (which may contain Y group) is not present in the main chain but present as a terminal and/or pendant group. Therefore, in the present invention, no Y group can be contained in the main chain of additive (I).

Therefore, Applicants submit that not all of the elements of the claimed invention are present. Therefore, Applicants respectfully submit that the above rejection is not correct and should be withdrawn.

Claim Rejections under 35 U.S.C. §103

Claims 1 and 2 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,051,730 to Pallas et al.

The Examiner concludes that it would have been obvious to optimize the variables “x” and “y” of Pallas et al. to prepare the claimed polyoxyalkylene-polysiloxanes because both the instant claims and Pallas et al. are directed to polyoxyalkylene-polysiloxanes and Pallas et al. teaches the combination of variables “x” + “y” = 0 to 10 that encompasses the instant $m = 1$.

Applicants respectfully disagree with the above rejection.

Applicants herein cancel claims 1 and 2 and combine the elements from these claims into claim 3. Applicants note that original claim 3 was not rejected, and all of the elements of original claim 3 are present in the amended claim 3. Therefore, Applicants submit that claim 3 is not obvious over the cited reference.

For at least the above reasons, Applicants submit that the claimed invention, as herein amended, distinguishes over the prior art and encompasses patentable matter. Early and favorable action is requested.

Amendment under 37 C.F.R. §1.111
Takakazu **HINO et al.**

U.S. Patent Application Serial No. **09/877,257**
Attorney Docket No. **010725**

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees that may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Version with markings to show changes made

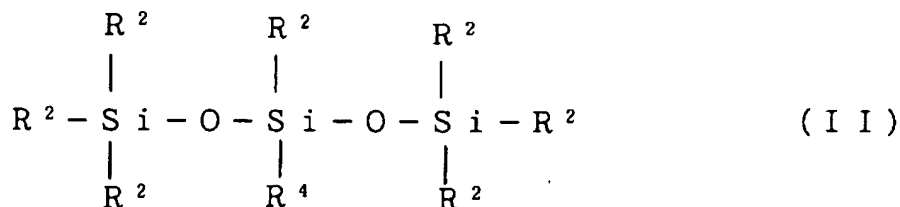
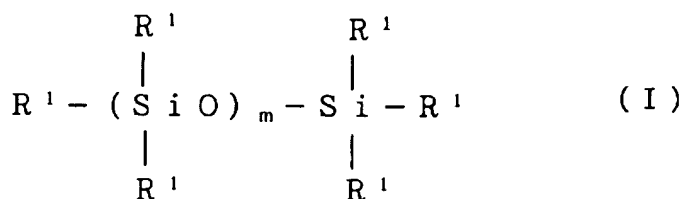
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE ABSTRACT:

Please amend the abstract as follows:

~~This invention offers an additive for hair growing agent and a~~ A hair growing agent composition containing a pharmaceutically active component, solvent and the additive ~~for hair growing agent~~ shown by the following ~~general~~ formula (I) or (II): ~~This additive for hair growing agent and the hair growing agent composition has a low potential of the side-effect by decreasing the content of the pharmaceutically active components, while keeping the sufficient hair growing effect, an additive for hair growing agent and a hair growing agent composition.~~



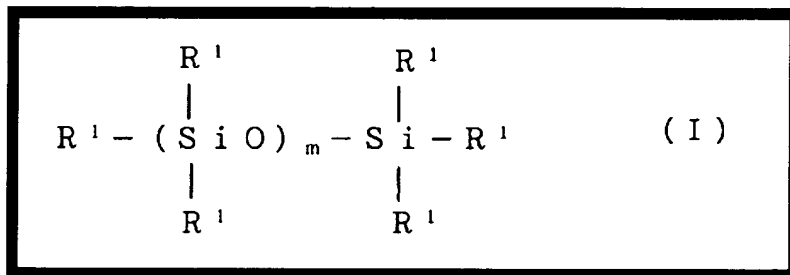
wherein, R¹ is an alkyl group having a carbon number of 1 to 30, an aryl group or a group shown by the formula (R²)₃SiO- or -YO(C₂H₄O)_a(C₃H₆O)_bR³; at least one of R¹'s is an alkyl group having a carbon number of 6 to 30 or a group shown by the formula -YO(C₂H₄O)_a(C₃H₆O)_bR³; R² is an alkyl

group having a carbon number of 1 to 5 or an aryl group; R³ is a hydrogen atom, an alkyl group having a carbon number of 1 to 6 or an acetoxy group; Y is a divalent organic group bound to an adjacent silicon atom through a carbon-silicon bond and to a polyoxyalkylene block through an oxygen atom; R⁴ is an alkyl group having a carbon number of 6 to 30 or a group shown by the formula -YO(C₂H₄O)_a(C₃H₆O)_bR³; m is a number of 1 to 50 on the average; and a and b are numbers of 0 to 50 on the average respectively, but they and satisfy the relationship a+b ≥ 2.

IN THE CLAIMS:

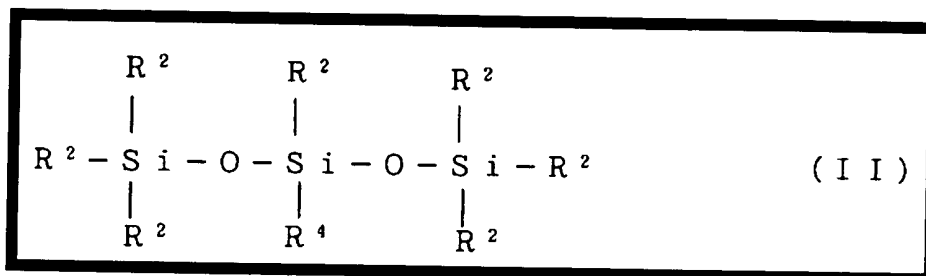
Please amend claim 3 as follows:

3. (Amended) A hair growing agent composition containing a pharmaceutically active component, a solvent and the an additive for hair growing agent described in Claims 1 and 2 shown by one of formulas (I) and (II) below:



wherein, R¹ is an alkyl group having a carbon number of 1 to 30, an aryl group or a group shown by the formula (R²)₃SiO - or -YO(C₂H₄O)_a(C₃H₆O)_bR³; at least one of R¹'s is an alkyl group having a carbon number of 6 to 30 or a group shown by the formula -YO(C₂H₄O)_a(C₃H₆O)_bR³; R² is an alkyl group having a carbon number of 1 to 5 or an aryl group; R³ is hydrogen, an alkyl group having a carbon number of 1 to 6 or an acetoxy group; Y is a divalent organic group bound to an

adjacent silicon atom through a carbon-silicon bond and to a polyoxyalkylene block through an oxygen atom; m is 1 to 50; and a and b are 0 to 50 respectively and satisfy the relationship $a+b \geq 2$;



wherein, R^2 is an alkyl group having a carbon number of 1 to 5 or an aryl group; R^4 is an alkyl group having a carbon number of 6 to 30 or a group shown by the formula $-YO(C_2H_4O)_a(C_3H_6O)_bR^3$; R^3 is hydrogen, an alkyl group having a carbon number of 1 to 6 or an acetoxy group; Y is a divalent organic group bound to an adjacent silicon atom through a carbon-silicon bond and to a polyoxyalkylene block through an oxygen atom; and a and b are 0 to 50 respectively and satisfy the relationship $a+b \geq 2$.